IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 11343 of 1994

Between:

1 Secretary, Irrigation & CAD Dept., Secretariat, Hyderabad.
2 The Chief Engineer (Projects) Srisailam, M.J. Road, Nalgonda
3 The Superintending Engineer, SLBC Circle I, G.V. Gudem, Nalgonda.
4 The Executive Engineer, SLBC Division II, G.V. Gudem, Nalgonda.

..... PETITIONER(S)

AND

1 Sri G. Chandra Sekhar Rao, Ex NMR C/o P. Venkateswararao
Q.No. 173, NEW MLA Quarters, Hyderabad.
2 Presiding Officer, Labour Court III, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari calling for the records pertaining to ID.No.587/92 d/27-1-94 on the file of the 2nd respondent and quash the same as illegal and pass such further order or orders.

Counsel for the Petitioner:GP FOR IRRIGATION & COMM AREA DEV.

Counsel for the Respondent No.1: GP FOR LABOUR

The Court made the following:

O R D E R:

The award passed by the Labour Court III, Hyderabad, in I.D.No.587 of 1992, dated 27-01-1994, is assailed before this Court in the present writ petition.

2. The workman raised an industrial dispute assailing the discontinuance of his service for the period from 07-10-1987 to 05-05-1989, as the same is in violation of Section 2 (oo) of the Industrial Disputes Act (for short "the Act") and also non-compliance of provisions of Sections 25F and 25G of the Act.

3. The learned Tribunal after considering the matter held that the respondent therein was competent to effect transfer of the individual and accordingly it was valid and consequently passed the award, directing the respondent therein to count the period from 07-10-1987 to 05-05-1989, as continuity of service. However, no wages were awarded. Against the said award, the present writ petition has been filed.

4. On a perusal of the award passed by the Tribunal, I do not find any error apparent on the face of the record. As a matter of fact, the Tribunal found that the transfer was valid, and therefore, regularized the period of absence. I do not find flaw in the award passed by the Tribunal.

5. Hence, the writ petition is dismissed. No costs.

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(G.BIKSHAPATHY,J)

Dated:05-08-2004

To

1 Sri G. Chandra Sekhar Rao, Ex NMR C/o P. Venkateswararao
Q.No. 173, NEW MLA Quarters, Hyderabad.
2 The Presiding Officer, Labour Court III, Hyderabad.

3 Two C.Cs. to the Government Pleader for Labour, High Court of A.P., Hyderabad. (OUT)

4 Two C.D. copies.